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10/764,293	01/23/2004	Klaus Hoffmann	2001P08962WOUS	9386

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EXAMINER	
ELALLAM, AHMED	
ART UNIT	**PAPER NUMBER**
2616	
MAIL DATE	**DELIVERY MODE**
07/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/764,293	HOFFMANN, KLAUS	
	Examiner	Art Unit	
	AHMED ELALLAM	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 March 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This office action is responsive to Amendment filed on 03/14/2008. The Amendment has been entered. Claims 1-17 are pending.

Claim Rejections - 35 USC § 102

> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1-4, 6-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Scholtens et al, US 7,054,888. Hereinafter referred to as Scholtens.

Regarding claims 1 and 6, with reference to figures 1 and 3A-B, Scholtens discloses an method/ arrangement for checking/or testing a channel connection in a telecommunication network comprising:

gateway 100A, (claimed **first media gateway);**

gateway 100B, (claimed **second media gateway);**

ATM network between the gateways implementing the connection between gateway 100A, and gateway 100B,

A call control 120A controlling gateway 100A, (claimed a first controller controlling at least the first media gateway, as in claim 1 or a first call-related controller assigned to at least the first media gateway the first gateway has call-related controller as in claim 6);

Scholtens also discloses, upon a continuity check operation to be performed, the call controller sends a connection control message (CreateConn) to the originating gateway 100A to initiate a connection through the ATM network 101, see column 4, line 31-37.). Scholtens further discloses that after a loopback is provided in the packet-domain , If the continuity check is successful, the gateway 100A also notifies its call controller 120A that a pattern has been detected. The originating call controller 120A sends an SS7 message to the terminating call controller 120B informing it of the successful continuity check. See column 6, lines 19-23. (Claimed first controller indicates to the second media gateway that a test signal sent by the first media gateway is being sent back to the first media gateway in order to check, whether the bearer channel connection is through-connected between the first and second media gateway, as in claim 1). Scholtens also disclose the controller in combination with the gateway 100A having a pattern generator 122 for generating the test signal, see figure 2. (Claimed first call-related controller including test equipment adapted to indicate to the second media gateway that a test signal sent by the first media gateway for a

connection continuity check is being sent back to the first media gateway by the second media gateway, as in claim 6).

Regarding claim 2, Scholtens discloses the originating call controller 120A sends an SS7 message to the terminating call controller 120B informing it of the successful continuity check. See column 6, lines 19-23. (Claimed the first controller, sends the indication via a second controller assigned to the second media gateway)

Regarding claim 3, Scholtens discloses transmitting pattern of bits is sent repeatedly over the packet network connection, see column 2, lines 10-11. Scholtens also discloses a timer that provides a timeout function and a pattern detector for detecting the generated pattern within the time set by the timer for determining the continuity of the connection. See column 6, lines 1-18. (Claimed first controller controls the first media gateway in such a way that the first media gateway sends the test signal to the second media gateway via the packet-oriented data network and waits for a pre-defined time for the test signal to be sent back by the second media gateway).

Regarding claim 4, it is inherent to Scholtens to check at the first gateway whether the test signal originates from an address indicated by the second media gateway after it receives the returned test signal, because that is required to distinguish between the continuity check for each connection given the multiplicity of the connections to be monitored for continuity, an address (ATM address for example) need to be indicated in each loopback response so to identify each connection been monitored.

Regarding claim 7, Scholtens discloses a timer that provides a timeout function and a pattern detector for detecting the generated pattern within the time set by the timer for determining the continuity of the connection. See column 6, lines 1-18.

Regarding claims 8 and 17, with reference to figure 5, Scholtens discloses a pattern detector 100A (claimed test equipment) at the first gateway, the test pattern looped back is carried over an ATM connection. The ATM connection has an a VCI/VPI address (Virtual channel Identifier/ Virtual Path Identifier) by standard. (such feature reads on the claimed test equipment checks an address of a test signal received at the first media gateway).

Regarding claims 9 and 14, Scholtens discloses the test signal is a test bit pattern. See column 4, lines 42-44.

Regarding claims 10 and 15, with regard to figure 1, Scholtens shows the network is an ATM network.

Regarding claim 11, with reference to figure 1, it can be clearly shown that subscribers connected to the circuit switched network 102A are connected to the call control 120A. Scholtens further discloses that the network 101 is an IP network. see column 6, lines 54-58. (Claimed terminals of IP subscribers are directly connected to at least one controller.

Regarding claim 12, it is inherent to Scholtens that an exchange exist in the circuit switched network 102, because that is needed for interconnecting between the pluralities of circuit switched subscribers. (Claimed the terminals are connected via at least one exchange).

Regarding claim 13, Scholtens discloses performing a continuity check operation for a packet network connection. See column 5, lines 44-51. (Claimed checking of the bearer channel connection ensures the continuity of the bearer channel connection).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scholtens.

Regarding claims 5 and 16, Scholtens doesn't specify having call feature server that provides call services, However, servers for call services provisioning are notoriously known in the art. It would have been obvious to a person of ordinary skill in the art, at the time the invention was made to provide a call-service server within the arrangement/method of Scholtens so to provide the necessary call services required for Scholtens' calls.

Response to Arguments

3. Applicant's arguments filed 3/14/2008 have been fully considered but they are not persuasive.

Applicant argues that the reference to Scholtens "*fails to disclose a first controller indicating to the second media gateway that a test signal sent by the first media gateway is being sent back to the first media gateway*". Emphasis added. Applicant alleged that the teaching relied upon does not provide for such limitation. (Scholtens column 6, lines 19-23). Examiner respectfully disagrees, with reference to figures 1 and 3A-B, Scholtens discloses a method for checking/or testing a channel connection in a telecommunication network having gateway 100A and gateway 100B, call control 120A controlling gateway 100A , and that upon a continuity check operation to be performed, the call controller sends a connection control message (CreateConn) to the originating gateway 100A to initiate a connection through the ATM network 101, (see column 4, line 31-37) and that after a loopback is provided in the packet-domain , If the continuity check is successful, the gateway 100A also notifies its call controller 120A that a pattern has been detected. The originating call controller 120A sends an **SS7 message to the terminating call controller 120B informing it of the successful continuity check and** the call controller 120B instructs the terminating gateway 100B to disconnect 315 the loopback between the incoming and outgoing packet streams. (See column 6, lines 19-27). Thus since the call controller 120B control the second gateway 100B (or stated differently, the second gateway is under the control of controller 120B) the second gateway is notified through the second controller of the SS7, and that reads on the claimed *"wherein for a connection continuity check, the first controller indicates to the second media gateway that a test signal sent by the first media gateway is being sent back to the first media*

gateway in order to check whether the bearer channel connection is through-connected between the first and second media gateway".

For the reasons above, Examiner believes that Scholtens anticipates the invention as presented in claims 1-4, 6-16.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AHMED ELALLAM whose telephone number is (571)272-3097. The examiner can normally be reached on 7-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/AHMED ELALLAM/
Examiner, Art Unit 2616
7/7/08

/Chi H Pham/
Supervisory Patent Examiner, Art Unit 2616
7/7/08